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ABSTRACT

Two key pieces of legislation cover changes to Wisconsin's alternative education programs. The first bill is "1993 Senate Bill 88, Relating to Alternative Education Program, Children-At-Risk Programs, Granting Rule-Making Authority and Making an Appropriation." This bill creates an alternative education grant program of \$3 million for fiscal year 1993-94 administered by the Wisconsin Department of Public Instruction (DPI). It also modifies the current children-at-risk program administered by the DPI by extending eligibility to all students and creating a competitive grant mechanism. The second bill is "1993 Senate Bill 89, Relating to Assessment Periods for Certain Pupils, High School Graduation Requirements, Alternative Education Program Teacher Licensure, Education for Employment Programs and Granting Rule-Making Authority." This bill creates an authority for school districts to establish assessment periods for certain students and modifies high school graduation requirements. It also guides state agencies in their role in changes in alternative education programs. The activities of the Special Committee on Alternative Education Programs is included. Legislation background and description are included as well. Appendices include a list of Legislative Council members, a list of Special Committee on Alternative Education Programs members, and committee materials. (Contains 43 references.) (JPT)

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WISCONSIN LEGISLATIVE COUNCIL
REPORT NO. 1 TO THE 1993 LEGISLATURE

LEGISLATION ON ALTERNATIVE EDUCATION PROGRAMS

- 1993 SENATE BILL 88, Relating to Alternative Education Programs, Children-At-Risk Programs, Granting Rule-Making Authority and Making an Appropriation
- 1993 SENATE BILL 89, Relating to Assessment Periods for Certain Pupils, High School Graduation Requirements, Alternative Education Program Teacher Licensure, Education for Employment Programs and Granting Rule-Making Authority

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WISCONSIN LEGISLATIVE COUNCIL
REPORT NO. 1 TO THE 1993 LEGISLATURE*

LEGISLATION ON ALTERNATIVE EDUCATION PROGRAMS

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PART I

KEY PROVISIONS OF LEGISLATION

A. 1993 SENATE BILL 88, RELATING TO ALTERNATIVE EDUCATION PROGRAMS, CHILDREN-AT-RISK PROGRAMS, GRANTING RULE-MAKING AUTHORITY AND MAKING AN APPROPRIATION

1993 Senate Bill 88 creates an alternative education grant program administered by the Department of Public Instruction (DPI). The program is funded at \$3,000,000 general purpose revenue (GPR), beginning in fiscal year 1993-94.

The Bill also modifies the current children-at-risk program administered by the DPI. The Bill extends eligibility to all students in kindergarten through grade 12 and creates a competitive grant mechanism for funding in place of the current aid formula.

B. 1993 SENATE BILL 89, RELATING TO ASSESSMENT PERIODS FOR CERTAIN PUPILS, HIGH SCHOOL GRADUATION REQUIREMENTS, ALTERNATIVE EDUCATION PROGRAM TEACHER LICENSURE, EDUCATION FOR EMPLOYMENT PROGRAMS AND GRANTING RULE-MAKING AUTHORITY

1993 Senate Bill 89 creates authority for school districts to establish assessment periods for certain pupils and modifies high school graduation requirements for students and alternative education programs. The Bill directs the DPI to initiate rule-making regarding alternative education program teacher licensure and directs the Department of Industry, Labor and Human Relations (DILHR) to adopt rules relating to the Youth Apprenticeship Program administered by DILHR. In addition, the Bill clarifies the scope of the current statutory Education for Employment Program standard.

PART II

COMMITTEE ACTIVITY

A. ASSIGNMENT

The Legislative Council established the Special Committee on Alternative Education Programs by a May 28, 1992 mail ballot. The Special Committee was directed to study alternative public education programs that are intended to assist in keeping pupils in school and are neither directed toward college preparation nor defined as special education programs, to determine: (a) whether current public education alternative programs are meeting those objectives and should be continued; and (b) what, if any, additional alternative public education programs should be created or encouraged. In developing recommendations regarding any specific programs, the Special Committee was directed to consider the number of children who may benefit from the program and the adaptability of the program by the DPI and school districts.

The membership of the Special Committee consisted of three Senators, five Representatives and 10 Public Members. A membership list of the Legislative Council is included in **Appendix 1**; the Special Committee membership is included in **Appendix 2**.

B. SUMMARY OF MEETINGS

The Special Committee held six meetings at the State Capitol in Madison on the following dates:

August 19, 1992
September 16, 1992
October 22, 1992

November 17, 1992
December 16, 1992
January 19, 1993

At the August 19, 1992 meeting, the Special Committee received testimony from several persons. Representatives of the Alternative Education Section in the DPI discussed: (1) the need for alternative programs; (2) the types of alternative programs currently operating in Wisconsin schools; (3) the obstacles to successful operation of alternative education programs; and (4) pressures on schools to provide more services, especially in connection with health and social services. A representative of the Wisconsin Association of School Boards discussed the need for local school districts to have flexibility to tailor alternative education programs to the needs of their students and statutory changes needed to enhance the abilities of school districts to provide alternative education programs. A representative of the Wisconsin Education Association Council also discussed the need for flexibility. A representative from the Wisconsin School of Administrators Alliance and the Walworth County Educational Consortium Alternative High School described aspects of that successful alternative program.

At the September 16, 1992 meeting, the Committee received testimony from representatives of various state agencies regarding the following programs: (1) the youth apprenticeship program; (2) technical preparation program; (3) post-secondary enrollment options; and (4) compulsory school attendance programs. A representative of the Wisconsin Federation of Pupil Services discussed the need for flexibility and collaboration between schools to facilitate the establishment of alternative education programs. Committee Member Kathie Lodholz provided background information on the development of alternative education in Wisconsin and the concerns of educators currently working in alternative education programs.

At the October 22, 1992 meeting, the Committee received testimony from a University of Wisconsin-Madison professor regarding the methods of strengthening the linkage between education and work. Committee Member Representative Young discussed a paper, entitled *Authorize "Time-Outs" from Mandatory School Attendance*. A representative of DPI discussed the upcoming DPI biennial budget initiatives. The Committee also reviewed papers regarding teacher licensing requirements and children-at-risk programs. The Committee reviewed a proposal regarding inter-governmental cooperation and discussed Representative Young's proposal authorizing "time-outs" from mandatory school attendance.

At the November 17, 1992 meeting, the Committee viewed a video, entitled "Tech Prep: The Tech Prep Connection," prepared by the DPI and the Wisconsin Board of Vocational, Technical and Adult Education. The Committee received testimony from DPI staff regarding certain items in the DPI 1993-95 biennial budget request. Committee Member Kristi Davis discussed a memorandum which she distributed to Committee members, entitled *A Summary of My Conversations with Alternative Education Members*. Chairperson Potter discussed a memorandum which he distributed, describing concerns raised by the Sheboygan Area School District alternative education staff. Committee staff presented papers regarding the use of apprentices for state construction projects and granting high school credit for demonstrated proficiency. The Committee also reviewed draft proposals regarding alternative education licensure, assessment periods for selected pupils and allowing schools to contract out for services to be provided to at-risk students.

At the December 16, 1992 meeting, the Committee discussed proposals relating to assessment periods for selected pupils, high school graduation requirements, alternative education licensure, youth apprenticeship programs, at-risk services and programs and learning assistance grants for alternative education programs. The Committee granted preliminary approval to several of these drafts and requested staff to make certain changes for its consideration at the next meeting.

At the January 19, 1993 meeting, the Committee granted final approval to the drafts prepared by staff regarding alternative education licensure, high school graduation requirements, allowing school boards to establish policies permitting assessment periods for selected pupils, and youth apprenticeship programs and education for employment standard changes contained in the DPI 1993-95 biennial budget request, all for inclusion in one draft. The Committee also approved drafts relating to children-at-risk programs and creating an alternative education grant program and directed staff to combine those two drafts in a separate bill.

C. COMMITTEE AND LEGISLATIVE COUNCIL VOTES

On January 19, 1993, the Special Committee on Alternative Education Programs voted to recommend the drafts which were incorporated into 1993 Senate Bill 88 to the Legislative Council by a vote of Ayes, 15 (Sens. Potter, Decker and Petak; Reps. Young, Coleman and Plache; and Public Members Radtke, Beaver, Burgos, Davis, Giese, Hawley, Lodholz, McCormick and Newby); Noes, 1 (Public Member Harrell-Patterson); and Absent, 2 (Rep. Barca; and Public Member Stout).

At its February 18, 1993 meeting, the Legislative Council voted to introduce the draft by a vote of Ayes, 13 (Sens. Risser, Lorman, Adelman, Burke, Helbach and Moen; and Reps. Schneider, Barca, Carpenter, Gruszynski, Kunicki, Linton and Vergeront); Noes, 5 (Sens. Ellis, Farrow and Lekan; and Reps. Prosser and Zien); and Absent, 3 (Sen. George; and Reps. Panzer and Travis).

On January 19, 1993, the Special Committee on Alternative Education Programs voted to recommend the drafts which were incorporated into 1993 Senate Bill 89 to the Legislative Council by a vote of Ayes, 15 (Sens. Potter, Decker and Petak; Reps. Young, Coleman and Plache; and Public Members Radtke, Beaver, Burgos, Davis, Giese, Hawley, Lodholz, McCormick and Newby); Noes, 1 (Public Member Harrell-Patterson); and Absent, 2 (Rep. Barca; and Public Member Stout).

At its February 18, 1993 meeting, the Legislative Council voted to introduce the draft by a vote of Ayes, 18 (Sens. Risser, Lorman, Adelman, Burke, Ellis, Farrow, Helbach, Lekan and Moen; and Reps. Schneider, Barca, Carpenter, Gruszynski, Kunicki, Linton, Prosser, Vergeront and Zien); Noes, 0; and Absent, 3 (Sen. George; and Reps. Panzer and Travis).

D. STAFF MATERIALS

Appendix 3 lists all of the materials received by the Special Committee on Alternative Education Programs. The following document, prepared by the Legislative Council Staff, may be of particular interest to persons interested in the work of the Committee:

- Staff Brief 92-1, *Alternative Education: An Overview* (August 12, 1992).

PART III

DESCRIPTION OF BILLS; BACKGROUND

This Part describes the provisions and provides background information on the Bills recommended to the Legislative Council by the Special Committee on Alternative Education Programs.

A. 1993 SENATE BILL 88, RELATING TO ALTERNATIVE EDUCATION PROGRAMS, CHILDREN-AT-RISK PROGRAMS, GRANTING RULE-MAKING AUTHORITY AND MAKING AN APPROPRIATION

1. Alternative Education Grant Program

This Bill creates a grant program for alternative education programs, administered by the DPI and the State Superintendent of Public Instruction. The program is funded by a GPR appropriation of \$3,000,000 annually beginning in fiscal year 1993-94.

The purpose of the grant program is to provide aids to school districts to support the development of alternative education programs designed to adapt more effective teaching strategies linked to the different learning styles and needs of pupils, to incorporate intervention strategies into schools to prevent pupils from becoming alienated from the educational process and to increase collaborative efforts among educational, community and social service systems.

The Bill defines an "alternative education program" to mean an instructional program, approved by the school board, that utilizes successful alternative or adaptive school structures and teaching techniques and that is incorporated into existing traditional classrooms or regularly scheduled curricular programs or that is offered in place of regularly scheduled curricular programs. Under the Bill, a school district, consortium of school districts or a cooperative educational service agency (CESA) may apply for a grant by providing a specified list of information. In addition to those requirements, applicants are required to include at least three of the following components in their program:

- a. A teacher to pupil ratio of 1:15;
- b. Career exploration and development;
- c. Instruction assisted or enhanced by computer technology;
- d. Adult mentoring;
- e. Flexible schedules; and

f. Competency-based instruction.

The Bill provides a mechanism for a grant applicant to seek a waiver or modification of a specific state law or rule or federal law or regulation administered by the DPI.

The Bill sets forth the specific duties of the DPI, relating to administering the alternative education grant program and providing information and assistance to applicants and others regarding the programs. The Bill authorizes the Department to promulgate any rules necessary for the implementation of the program including rules specifying limits on the amount or percentage of administrative costs associated with the alternative education program that may be paid with grant funds.

The Bill provides that alternative education programs will be funded on a two-year basis and that a grant may not constitute more than 50% of the approved cost of the program. The Bill permits the DPI to use up to 3% of the total appropriation to provide consultation and assistance in the preparation of grant applications, to serve as a resource clearinghouse on programs and to assist schools and school districts in the evaluation of alternative education programs. The authorized full-time equivalent positions for the DPI are increased by 1.0 GPR position for the purposes of performing these activities.

2. Children-At-Risk Program Modification

The Bill makes a series of changes in the current children-at-risk program. The purpose of the at-risk program is to support public school district programs designed to address the needs of children who are at risk of failure to achieve success in school or who are at risk of failure to graduate from high school.

The Bill makes a series of changes to the current children-at-risk program consistent with this purpose as follows:

a. Expands the children-at-risk program to cover all pupils in grades kindergarten through 12. Currently, children-at-risk programs are limited to pupils in grades 5 and above. The Bill also repeals statutory provisions which set specific eligibility levels for pupils in grades 5 to 8.

b. Adds, as an additional category, a pupil living in a household with an income below the poverty line. Current law defines "children at risk" to apply to pupils who are one or more years behind their age group in the number of credits attained or in basic skill levels and are also one or more of the following: (1) dropouts; (2) absent for a specified number of hours; (3) parents; or (4) adjudicated delinquents.

c. Requires school districts to report high school graduation rates to the DPI beginning with the 1993-94 school year. The Bill defines "graduation rate" as the percentage of pupils entering 9th grade in a school district who graduate in four years or less, excluding pupils who continue to be enrolled in the school district and pupils who leave school but are not dropouts.

d. Amends the definition of "dropout" to eliminate the condition that to be considered a dropout a pupil must continue to reside in the school district.

e. Repeals the current system for providing aids to at-risk aid programs and related reporting requirements and creates, in its place, a competitive grant program at the same funding level which is \$3,500,000 GPR annually. The Bill provides that, in the 1993-94 school year, districts which are required to submit plans under the current statutes will be eligible for grants. However, beginning in the 1994-95 school year, the DPI shall only award funds to: (1) a school district that had a graduation rate of 80% or less in the previous school year; (2) a consortium of school districts, each of which had a graduation rate of 80% or less in the previous school year, operating under an agreement under s. 66.30, Stats.; (3) a professional educational development consortium for staff development; and (4) the board of control of a CESA. Under the Bill, only school districts with a high school graduation rate of 80% or less in the previous year are required to submit their plans to the State Superintendent for approval.

f. Provides that grants may be awarded for any of the following activities: (1) implementation of model children-at-risk programs; (2) training for teachers and other professional school staff members for children-at-risk programs; and (3) personnel to support school district programs for children at risk.

g. Requires each grant recipient to submit a report evaluating the effectiveness of the funded project. Other related reporting requirements are modified and reduced by the Bill. School districts required to submit a plan must annually submit a report to the State Superintendent on the school district's attendance, retention and high school graduation rates for pupils enrolled in an at-risk program. The report must include the number and percentage of pupils enrolled in a program for children at risk who received academic credits sufficient to advance to the next grade level in the previous school year.

B. 1993 SENATE BILL 89, RELATING TO ASSESSMENT PERIODS FOR CERTAIN PUPILS, HIGH SCHOOL GRADUATION REQUIREMENTS, ALTERNATIVE EDUCATION PROGRAM TEACHER LICENSURE, EDUCATION FOR EMPLOYMENT PROGRAMS AND GRANTING RULE-MAKING AUTHORITY

I. Teacher Licensure

The Bill directs the DPI to promulgate rules establishing requirements for licensure as an alternative education program teacher and for the approval of teacher education programs leading to licensure as an alternative education program teacher. An "alternative education program" is defined to mean an instructional program, approved by the school board, that utilizes successful alternative or adaptive school structures in teaching techniques and that is incorporated into existing traditional classrooms or regularly scheduled curricular programs or that is offered in place of regularly scheduled curricular programs. The rules must encompass the teaching of multiple subjects or grade levels, or both, as determined by the State Superintendent. Further, the State

Superintendent may require teacher education programs to grant credit towards alternative education licensure for relevant experience or for demonstrated proficiency in relevant skills or knowledge.

Under the Bill, a person is not required to be licensed as an alternative education teacher to teach in an alternative education program. However, the person must hold an appropriate license issued by the DPI.

These rules must be submitted to the Legislative Council Staff under s. 227.15 (1), Stats., in proposed form, no later than the first day of the sixth month beginning after the effective date of the act.

2. Assessment Periods for Certain Pupils

The Bill allows a school board to establish policies to permit a pupil of an age eligible for high school enrollment in the school district to be assigned to a period of assessment as a consequence of the pupil's truancy or upon the pupil's return to school from placement in a correctional facility, mental health treatment facility, alcohol and other drug abuse treatment facility or other out-of-school placement. The school board policies must specify the conditions under which the pupil might participate in the assessment without being in violation of truancy or attendance law and the maximum length of time that a pupil may be assigned to an assessment period. A pupil may not be required to participate without the written approval of the pupil's parent or guardian. A pupil may not be assigned to any assessment period for longer than the time necessary to complete the assessment and make the placement in an appropriate education program, or for eight weeks, whichever is less. The school board may not assign a pupil to an assessment period more than once and may not assign a pupil to an assessment period if the school district has an alternative education program available for the pupil that is appropriate for the pupil's needs.

The Bill specifies that the goals of an assessment are to develop an educational plan for the pupil, implement an appropriate transitional plan and facilitate the pupil's placement in an education program in which the pupil will be able to succeed.

The assessment may, but is not required to, include any of the following new or previously completed activities:

- a. An assessment for problems with alcohol or other drugs.
- b. An assessment of individual educational needs.
- c. An assessment of whether the pupil is encountering problems in the community or at home that require the intervention by a social worker.
- d. A vocational assessment, which may include career counseling.
- e. A medical assessment.

3. High School Graduation Requirements

The Bill provides that a school board may grant a high school diploma to a pupil who does not meet the specific statutory requirements for high school graduation.

Under current law, a public school board may not grant a high school diploma to a pupil unless the pupil has: (a) earned a certain number of credits in various subjects in the high school grades; and (b) been enrolled in a class or has participated in an activity approved by the school board during each class period of each school day. Administrative rules promulgated by the DPI define a "credit" as "the credit given for successful completion of a school term of study in one course in high school grades that meets daily for a normal class period or the equivalent established by the [school] board."

Currently, a school board may not grant a high school diploma to a pupil unless the pupil has earned: (a) in the high school grades, at least four credits in English, including writing composition, three credits of social studies, including state and local government, two credits of mathematics, two credits of science and 1.5 credits of physical education; and (b) in grades 7 to 12, at least 0.5 credit of health education.

The Bill provides that a school board may grant a high school diploma to a pupil who does not meet the requirements set forth above if the following requirements are met: (a) the pupil is enrolled in an alternative education program in the school district; and (b) the school board has determined that the pupil has demonstrated a level of proficiency in English, social studies, mathematics, physical education and health education, equivalent to the proficiency which the pupil would have attained if he or she had completed the requirements described above.

4. Education for Employment Standards

The Bill modifies the statutory education for employment standard. The Bill clarifies the standard currently in place by specifying that, beginning in the 1997-98 school year, the program must incorporate applied curricula; guidance in counseling services; technical preparation (tech-prep); college preparation; youth apprenticeship or other job training and work experience; and instruction in skills relating to employment. The Bill directs the State Superintendent to assist school boards in complying with the provision.

5. Youth Apprenticeship Program

The Bill directs DILHR to adopt administrative rules relating to program guidelines for the current Wisconsin Youth Apprenticeship Program that is administered by DILHR.

C. BACKGROUND

Changes in the characteristics of students, and in the state's compulsory attendance and truancy laws, have led to a substantial increase in interest by school districts in alternative education

programs for pupils. Many school districts are currently offering alternative education programs targeted to meet unique learning needs of students in a nontraditional setting.

While these programs have been expanding throughout the state, there is only limited information regarding these programs. The DPI in April of 1991 surveyed public school districts in the state to determine if alternative education programs were being offered in each district. Slightly more than half of the districts surveyed, 232 of 428 districts, responded to this survey. Of that number, 109 districts, located throughout the state, reported that they offered at least one alternative education program. The self-reporting survey revealed that the programs focused primarily on students in grades nine to 12 (91 of the 109 school districts reporting).

Thirteen districts reported having a program that was designed for middle school and high school students. The DPI initial survey did not collect any specific information on the enrollments, costs or evaluations of these alternative education programs.

The DPI has recognized various strategies that contribute to successful alternative education programs. These strategies include:

1. Targeting services for younger pupils to prevent future school problems.
2. Promoting the use of adaptive teaching and learning strategies to accommodate individual learning styles and needs.
3. Promoting business and community partnerships.
4. Incorporating parent outreach and involvement.
5. Providing a variety of meaningful program options to prepare students for success in education and work beyond high school.
6. Establishing a noncompetitive educational environment.
7. Creating smaller class sizes.
8. Developing a more personalized relationship between teachers and students.
9. Building students' self-esteem.
10. Using outcome-based instruction and evaluation to monitor student progress.
11. Enhancing the professional life of teachers.
12. Revising the school structure, leadership, management and governance when necessary.

A review of the programs described in the DPI survey reveals that the programs all appear to include one or more of these strategies. However, it should be noted that school districts do not regularly report information about the alternative education programs conducted in the various schools.

There are other programs, although not specifically designated as alternative education programs, that are directed at the type of students characteristically served by alternative education programs. These include the following:

1. Learning Assistance Grants.
2. Children-At-Risk Programs.
3. Youth Initiatives Program.
4. School-to-Work Programs, such as youth apprenticeship programs and technical preparation (tech-prep) programs.

These programs are described in detail in **Staff Brief 92-1**. This document also describes the general statutory requirements relating to alternative education programs such as compulsory school attendance, school attendance enforcement procedures and high school graduation standards.

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APPENDIX I

WISCONSIN LEGISLATIVE COUNCIL

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STUDY ASSIGNMENT: The Special Committee is directed to study alternative public education programs that are intended to assist in keeping pupils in school and are neither directed toward college preparation nor defined as special education programs, to determine: (1) whether current public education alternative programs are meeting those objectives and should be continued; and (2) what, if any, additional alternative public education programs should be created or encouraged. In developing recommendations regarding any specific programs, the Special Committee shall consider the number of children who may benefit from the program and the adaptability of the program by the Department of Public Instruction and school districts. The Committee is directed to report to the Legislative Council by January 15, 1993. [Based on 1991 Senate Joint Resolution 53 and a May 12, 1992 supporting letter from Sen. Calvin Potter; an April 28, 1992 letter from James Buckley, Wisconsin School Psychologists and Social Workers Associations; a May 15, 1992 memo from David H. Nispel, School Administrators Alliance; a May 15, 1992 letter from Kathie Lodholz, Oconomowoc Central High School; and a May 21, 1992 letter from Dr. David Johnston, La Crosse School District.]

Established and Chairperson appointed by a May 28, 1992 mail ballot; Vice-Chairperson, Secretary and members appointed by a July 24, 1992 mail ballot.

18 MEMBERS: 3 Senators; 4 Representatives; and 11 Public Members.

LEGISLATIVE COUNCIL STAFF: Russ Whitesel, Senior Staff Attorney; Mary Mathias, Staff Attorney; and Julie Terry, Support Staff.

(1) Originally appointed as an Assembly member; appointed to continue as a Public Member and Secretary by a December 23, 1992 mail ballot.

APPENDIX 3

COMMITTEE MATERIALS

Staff Materials

1. Staff Brief 92-1, *Alternative Education: An Overview* (August 12, 1992).
2. MEMO NO. 1, *Teacher Licensing Requirements* (October 13, 1992).
3. MEMO NO. 2, *Children at Risk Programs* (October 13, 1992).
4. MEMO NO. 3, *Information Relating to Use of Apprentices* (November 10, 1992).
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